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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,419	02/01/2001	Nicoll B. Shepherd	PHGB000013	8510

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EXAMINER
SHANNON, MICHAEL R

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/773,419	SHEPHERD, NICOLL B.
	Examiner	Art Unit
	Michael R Shannon	2614

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 June 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-10 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 01 June 2001 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____ .

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

2. The abstract is objected to for the reason(s) indicated above, in addition to the following: The sentence spanning lines 11-15 of the abstract is confusing to one of ordinary skill in the art. The abstract seems to indicate that the controls (C, D) are NOT present on the remote control. According to the figures provided, that is not the case. It is understood that the sentence is meant to indicate that controls C and D ARE present on the remote control, however, appropriate action should be taken to modify and correct the grammar of this sentence.

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use, particularly with regard to the use of section headings.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(e) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed "selector means for identifying a selected device," of claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The

replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 10 rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter, which applicant(s) regard as their invention. The scope of the claim cannot be ascertained. It is unclear as to what is encompassed by "technical features of said virtual control means" in applicant's reference to a portion of claim 1. The defect can be corrected by incorporating into claim 10, by amendment, the specific language to which applicant refers.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ikezaki US Patent 5,367,316.

The Ikezaki reference discloses a local audio-visual system connecting a plurality of devices with at least one of said devices being a display device and another of said devices being a remote control (see Figure 1 and 2).

With regards to claim 1, Ikezaki teaches "a remote-control apparatus for operating a plurality of audio visual apparatuses" (see Abstract, lines 1-2). According to Figure 1 and 2, the system taught by Ikezaki contains, at least, a remote control 1 and a display device (CRT Display 35). Ikezaki also teaches means for identifying and selecting a device through the menu button 4 (Figure 1) and the electronic apparatus list 16 of Figure 5 (see column 4, lines 56-62). Virtual control means are discussed as the "Selection of Function" in Ikezaki. Column 7, line 60 – Column 8, line 6 clearly teach the ability to select a function by way of a cursor and simulacrum on the display screen.

With regards to claims 2 and 3, Ikezaki teaches a system in which windows are prepared with respect to the electronics apparatus (the plurality of devices) and then stored and displayed via the display control apparatus (see Column 4, lines 62-68).

With regards to claims 5-7, Ikezaki teaches a remote control with the ability to control every function of the receiver (see column 3, lines 40-58 and Figure 1). He also teaches the cursor key, menu key, and enter key which serve to selectively actuate the simulacrum and display multiple simulacrum for multiple devices with the ability to cycle through simulacrum (see Column 5, lines 35-63 and column 7 line 60 – Column 8 line 6).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Ikezaki US Patent 5,367,316 in view of Dunn US Patent 5,517,257.

Ikezaki discloses all of the requirements for the remote controlled A/V system as described above. Ikezaki does not disclose a system wherein the simulacrum is generated by the selected electronic device and transmitted as display data to the display device. Dunn discloses, in Figure 7 and column 7, lines 35-44, that the Graphics Display Generator is used to generate the simulacrum in the set-top box, which is then transmitted as display data along with the selected channel to the display device. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Ikezaki to instead incorporate the simulacrum generating ability at the electronic apparatus level of Dunn. The suggestion/motivation for doing so would have been to easily allow the electronic apparatus manufacturer to provide custom menus and functions to the display device. Therefore, it would have been obvious to modify Ikezaki with Dunn for the benefit of the simulacrum generating ability within the electronic apparatus to obtain the invention as specified in claim 4.

11. Claim 8 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Ikezaki.

With regards to claim 8, the Ikezaki reference discloses interconnections between audio visual devices, yet is silent as to the nature of the interconnectivity and consequently does not disclose that interconnections are 'provided by a wireless link', as claimed. Ikezaki simply states "connecting means for connecting at least one electronics apparatus to the receiver" (see Column 2, lines 42-43). However, the examiner gives Official Notice that it is notoriously well-known in the art to connect A/V components in a wireless manner, and submits that it would have been clearly obvious to one of ordinary skill in the art at the time of invention to implement Ikezaki accordingly in order to provide a versatile arrangement for their setup and one that is not limited or encumbered by cables.

With regards to claim 9, Ikezaki teaches connecting the plurality of electronics apparatuses to a common communication bus-line through the respective communication interfaces (see Column 3, line 66 – column 4, line 2). The reference discloses communication on the basis of respective protocols, however, it is silent with respect to the exact nature of such communications, and as such does not explicitly disclose communications by "discrete data packets." However, the examiner takes Official Note that it is notoriously well-known in the art for electronics devices to communicate by such means and it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to implement Ikezaki accordingly in order to conform to established industry standards.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Osakabe (US Patent 6,400,280) discloses a bi-directional remote commander, which is deciphered by a digital TV and used to control a system interconnected by IEEE-1394 serial bus. The digital TV also displays the pictures corresponding to the reproduced signal for selection by a simplified remote.

Funado (US Patent 5,537,107) discloses a key matrix for use with a LCD display, which displays a video signal together with the information necessary for a remote control and/or key matrix. The controls are then superimposed on the video image.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Shannon whose telephone number is (703) 305-6955. The examiner can normally be reached on M-F 7:30-5:00, alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael R Shannon
Examiner
Art Unit 2614

Michael R Shannon
July 8, 2004



JOHN MILLER
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